

Appl. No. 10/710,743
Response Dated June 23, 2006
Reply to Office Action Dated February 28, 2006

REMARKS/ARGUMENTS

Please reconsider the application in view of the above amendments and the following remarks. Claims 1-38 remain in this application. Claims 1, 16 and 24 have been amended.

Rejection(s) under 35 U.S.C § 102

Claims 1, 16 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,467,544 ("Brown"). This rejection is respectfully traversed.

Each of the claims at issue includes at least one sample chamber operatively connected to the main flowline for collecting the formation fluid therein, the sample chamber including a contaminated portion and a clean portion of the formation fluid, wherein an exit flow line is operatively connected to the sample chamber for selectively removing one of the contaminated portion of the formation fluid and the clean portion of the formation fluid from the sample chamber whereby contamination is removed from the formation fluid. In other words, the contaminated portion of the formation fluid is removed from a sample chamber containing both contaminated fluid and clean fluid.

In contrast, Brown does not disclose *selectively* removing one of a contaminated portion of the formation fluid and a clean portion of the formation fluid from the sample chamber containing *both contaminated and clean fluid*. At best, Brown teaches the removal of only a nonspecific fluid makeup from a sample chamber 110.

Since Brown fails to disclose this requirement of the claimed invention, Brown fails to anticipate the claimed invention. Applicant, therefore, requests withdrawal of the rejection of claims 1, 16 and 24 and their dependent claims under 35 U.S.C. § 102.

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Rejection(s) under 35 U.S.C § 103

Claims 9, 17, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of U.S. Patent No. 4,962,665 ("Savage"). This rejection is respectfully traversed, because these rejected claims all depend from independent claims that recite at least one limitation that is not taught by the cited art, as explained above. In particular, both Brown and Savage fail to teach that either a contaminated portion of the formation fluid or a clean portion of the formation fluid be selectively removed (i.e., removed by selection or choice) from the sample chamber containing clean and contaminated fluid, as is claimed.

In addition, the 35 U.S.C. § 103 rejection using Brown is improper because the examiner has indicated that Brown is a 102(e) reference, and Brown and the current application have been assigned to a common assignee. In particular, 35 U.S.C. § 103(a)(1) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Accordingly, Brown cannot be used in an obviousness rejection alone or in combination with Savage, or any other reference for that matter. Therefore, applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103.

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Conclusion

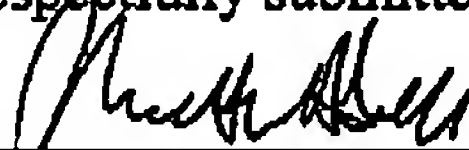
Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner is not persuaded, or other issues arise, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

This paper is submitted in response to the Office Action dated February 28, 2006, for which the three-month date for response is May 28, 2006. A request for a one (1) month extension of the time to respond to the Official Action is hereby made, bringing the date for response to June 28, 2006. A Please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 20.2909).

Date: _____

6/23/06

Respectfully submitted,



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